



TOWN OF FRONT ROYAL, VIRGINIA TOWN COUNCIL MEETING
Monday, November 23, 2015 @ 7:00pm in the Warren County Government Center

1. Pledge of Allegiance
 2. Moment of Silence
 3. Roll Call
 4. Approval of the Regular Council Meeting minutes of November 9, 2015
 5. Receipt of Petitions and/or Correspondence from the Public
 6. Reports:
 - a. Report of special committees or Town officials and Town Manager.
 - 1) **Report for EDA Director Jennifer McDonald**
 - 2) **Report from NSVRC Executive Director Martha Shickle**
 - b. Requests and inquiries of Council members.
 - c. Report of the Mayor
 - d. Proposals for addition/deletion of items to the Agenda.
 7. **CONSENT AGENDA ITEMS** –
 - A. COUNCIL APPROVAL – Budget Calendar
 - B. COUNCIL APPROVAL – Budget Amendment - DMV Animal Friendly License Plates Funds
 - C. COUNCIL APPROVAL – Proclamation – “*Small Business Saturday*”
 - D. COUNCIL APPROVAL - Town Manager Contract/Vacation Time
 8. **PUBLIC HEARING TO RECEIVE PUBLIC COMMENT** – Reduction of Lodging Tax
 9. **COUNCIL APPROVAL** – Ordinance to Amend Town Code Chapters 175 and 66 Pertaining to Urban Agriculture (*2nd Reading*)
 10. **COUNCIL APPROVAL** – Award of Contract for Cost of Service Analysis Rate Study
 11. **COUNCIL APPROVAL** – Deed of Easement for Aldi, Inc.
 12. **COUNCIL RE-APPOINTMENT** – Board of Architectural Review
 13. **COUNCIL RE-APPOINTMENTS** – Audit and Finance Committee
 14. **COUNCIL ADVERTISE FOR COUNCIL VACANCY**
-

TOWN COUNCIL WORK SESSION
Monday, November 23, 2015 to follow Regular Council Meeting

1. Council Goals and Objectives for FY17

7A



**Town of Front Royal, Virginia
Council Agenda Statement**

Page 1
Item No. 7(A)

Meeting Date: November 23, 2015

Agenda Item: COUNCIL APPROVAL – Budget Calendar

Summary: Council is requested to approve the Fiscal Year 2016-2017 Budget Calendar established by the Town Manager and Director of Finance as presented.

Budget/Funding: None

Attachments: Budget Calendar

Meetings: Work Session held November 16, 2015

Staff Recommendation: Approval X Denial

Should Council wish to remove this item from the consent agenda, the following motion would allow approval of this request:

Proposed Motion: I move that Council approve the Fiscal Year 2016-2017 Budget Calendar as presented.

*Note: Motions are the formal & final proposal of Council,
proposed motions are offered by Staff for guidance

*To be clear and concise, motions should be made in the positive

Approved By: SB

Fiscal Year 2016-2017 Budget Calendar

Oct 2015	Department requests for CIP [Capital Improvement Program] Include 2017 through 2022
Nov 6, 2015	CIP requests due to Finance
Nov 2015	Finance Department distributes FY17 Budget forms to Departments
Nov 2015	Council goals and objectives for FY17 to Town Manager/Finance Director
Dec 4, 2015	Departments request due for Personnel Changes [including promotions, reorganization and/or new staffing]
Dec 15, 2015	Mid-year FY16 Budget transfers due from departments
Dec 21, 2015	Departments spending requests for FY17 due [with justifications]
Jan 18-22, 2016	Town Manager review spending requests with departments
Jan 25, 2016	Overview of budget with Audit Committee at 6:00 pm
Feb 1, 2016	Work Session to set tax rate
February 2016	Advertisement for annual tax rate for Real and Personal Property ~ rate has to be set prior to April 1
Mar 14, 2016	Public Hearing (1) Tax rates for Real and Personal
Mar 28, 2016	Approval of Town Tax rates for both Real Estate and Personal Property
Apr 1, 2016	Town Manager's Recommended Budget to Town Council
Apr 4, 2016	Town Manager's presentation of proposed budget to Council
Apr 18 & May 2, 2016	Council review proposed budget during scheduled work sessions
May 9, 2016	Public Hearing and First Reading of Appropriations Ordinance and Rate ordinances
May 16, 2016	Budget Work Session [if necessary]
May 23, 2016	Second and Final Reading of Appropriation Ordinance and Rate Ordinances

7B



Town of Front Royal, Virginia
Council Agenda Statement

Page 1
Item No. 7(B)

Meeting Date: November 23, 2015

Agenda Item: COUNCIL APPROVAL – Budget Amendment for DMV Animal Friendly License Plates Funds

Summary: Council is requested to consider approval of a Budget Amendment in the amount of \$60.00 from the Division of Motor Vehicles (DMV) through the “Animal Friendly” License Plate Program. Funds received are to be dedicated to the Humane Society of Warren County to support the sterilization program for dogs and cats. Council is requested to consider authorization of the Town Manager to identify the Humane Society of Warren County as the recipient of the \$60.00 funding.

Budget/Funding: Animal Friendly Plates – Budget amendment \$60.00
1000-3220104 [Animal Plates] expense will be from same account

Attachments: Letter from DMV

Meetings: None

Staff Recommendation: Approval X Denial

Should Council wish to remove this item from the consent agenda, the following motion would allow approval of this request:

Proposed Motion: I move that Council approve a Budget Amendment in the amount of \$60.00 from the Division of Motor Vehicles (DMV) through the “Animal Friendly” License Plate Program to be dedicated to the Humane Society of Warren County to support the sterilization program for dogs and cats. I further move that Council authorize the Town Manager to identify the Humane Society of Warren County as the recipient of the \$60.00 funding.

*Note: Motions are the formal & final proposal of Council, proposed motions are offered by Staff for guidance
*To be clear and concise, motions should be made in the positive

Approved By: SB



COMMONWEALTH of VIRGINIA

Department of Motor Vehicles
2300 West Broad Street

Richard D. Holcomb
Commissioner

Post Office Box 27412
Richmond, VA 23269-0001

November 3, 2015

Town Manager
Town of Front Royal
Post Office Box 1560
Front Royal, VA 22630

Dear Town Manager:

The Department of Motor Vehicles sells the Animal Friendly license plate, which is authorized by Virginia Code, §46.2-749.2:7, as part of its special license plate program. This plate is issued to supporters of dog and cat sterilization programs at a cost of \$25.00 per year in addition to the prescribed fee for vehicle registration. After the first 1,000 sets of plates are sold, \$15.00 of each fee is made available to the locality in which the vehicle is registered, to be used to support sterilization programs for dogs and cats. This money is set aside in a special fund titled the Dog and Cat Sterilization Fund for distribution to localities, regardless of the amount of funds involved. For Fiscal Year 2015, DMV's records indicate that your locality is due \$60.00 from this Fund.

Virginia Code §46.2-749.2:7 requires each locality to certify that this money will be used to support sterilization of dogs and cats. If your locality does not have a program for this purpose, the statute provides the locality options. You may make the funds available to any private, nonprofit sterilization program for dogs and cats in your locality or decline receipt of funds. Any funds that are declined shall be distributed to other affected localities on a pro rata basis.

Attached to this letter is a form to make your choice pertaining to the amount stated above. Complete the form and return it no later than December 15, 2015, to:

Financial Management Services
Department of Motor Vehicles
Post Office Box 25700
Richmond, Virginia 23260
Attn: Angela Bartlett, Room 714
Fax: (804) 367-6339

If the form is not received by the above date, it will be assumed that your locality is declining the funds. If you have any questions regarding the Animal Friendly Plate, the funds due your locality or about completing the Certification of Funds form FMS 225, please email DMV at accountspayable@dmv.virginia.gov.

With kindest regards.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard D. Holcomb".

Richard D. Holcomb

RDH:kde

Attachment

Certification of Funds Dog and Cat Sterilization Fund

2015

The administrator or manager of the locality should complete this form by selecting the section that signifies the locality's choice regarding the acceptance of money from the Dog and Cat Sterilization Fund.

Please return this form with your Federal Employee Identification Number _____
to the Department of Motor Vehicles by December 15, 2015. (FEIN)

Option One: Acceptance of Funds

Town of Front Royal acknowledges that it is due funds from the Dog and Cat Sterilization Fund in the amount of \$ _____ based on sales of the Animal Friendly license plate in Fiscal Year 2015. Furthermore, I certify that these funds will be used for the purpose of sterilization of dogs and cats as stated in Section 46.2-749.2:7 of the Code of Virginia.

Signature

Date

Print Name

Title

Option Two: Acceptance/Assignment of Funds (If more than one, please use a separate sheet)

Town of Front Royal acknowledges that it is due funds from the Dog and Cat Sterilization Fund in the amount of \$ _____ based on sales of the Animal Friendly license plate in Fiscal Year 2015. This locality does not have a sterilization program, but will transfer the funds, in total, to _____
(Name and Address)

which is a private, non-profit group supporting the purposes of the Fund. I certify that these funds will be used by this organization for the purpose of sterilization of dogs and cats as stated in Section 46.2-749.2:7 of the Code of Virginia.

Signature

Date

Print Name

Title

Option Three: Decline Receipt of Funds

Town of Front Royal acknowledges that it is due funds from the Dog and Cat Sterilization Fund in the amount of \$ _____ based on sales of the Animal Friendly license plate in Fiscal Year 2015. This locality does not wish to accept the funds for this year.

Signature

Date

Print Name

Title

7C



**Town of Front Royal, Virginia
Council Agenda Statement**

Page 1
Item No. 7(C)

Meeting Date: November 23, 2015

Agenda Item: COUNCIL APPROVAL – Proclamation for “*Small Business Saturday*”

Summary: Council has received a request from the Front Royal–Warren County Chamber of Commerce seeking approval of a Proclamation proclaiming Saturday, November 28, 2015 as “*Small Business Saturday*” in the Town of Front Royal.

Budget/Funding: None

Attachments: Proclamation

Meetings: None

Staff Recommendation: Approval X Denial _____

Should Council wish to remove this item from the consent agenda, the following motion would allow approval of this request:

Proposed Motion: I move that Council approve a Proclamation proclaiming Saturday, November 28, 2015 as “*Small Business Saturday*” in the Town of Front Royal.

*Note: Motions are the formal & final proposal of Council,
proposed motions are offered by Staff for guidance
*To be clear and concise, motions should be made in the positive

Approved By: SB



Small Business Saturday

PROCLAMATION

WHEREAS: the Town of Front Royal celebrates our local small businesses and the contribution they make to our local economy and community; according to the United States Small Business Administration, there are currently 23 million small businesses in the United States, they represent more than 99 percent of American companies, create two-thirds of the net new jobs, and generate 46 percent of private gross domestic product; and

WHEREAS: Small businesses employ one-half of the employees in the private sector in the United States; and

WHEREAS: 93 percent of United States consumers believe it's important to support the local, small businesses they value in their community; 89 percent agree that locally owned, independent businesses contribute positively through paying taxes and providing jobs; and

WHEREAS: The Town of Front Royal supports local businesses that create jobs, boost our local economy and preserve our neighborhoods;

WHEREAS: Advocacy groups and public and private organizations across the country have endorsed the Saturday after Thanksgiving as Small Business Saturday,

NOW, THEREFORE, I, Timothy Darr, Mayor of the Town of Front Royal, Virginia, do hereby proclaim Saturday, November 28, 2015 as

"SMALL BUSINESS SATURDAY"

In Front Royal, Virginia, and encourage all citizens of Front Royal to support small businesses and merchants on Small Business Saturday, and throughout the year.

APPROVED:

ATTEST:

Timothy W. Darr, Mayor

Jennifer Berry, Clerk of Council

Proclamation approved this ____ day of _____, 2015, at the Town Council Meeting in Front Royal, Virginia.

7D



**Town of Front Royal, Virginia
Council Agenda Statement**

Page 1
Item No. 7(D)

Meeting Date: November 23, 2015

Agenda Item: COUNCIL APPROVAL – Town Manager Contract/Vacation Time

Summary: Council is requested to approve the purchase back of forty hours of vacation time from the Town Manager per his contract for employment, said funds to be provided from salaries in the Town Manager budget.

Budget/Funding: Line Item - 1201-41001 (Salaries)

Attachments: None

Meetings: None

Staff Recommendation: Approval X Denial

Should Council wish to remove this item from the consent agenda, the following motion would allow approval of this request:

Proposed Motion: I move that Council approve the purchase back of forty hours of vacation time from the Town Manager per his contract for employment, said funds to be provided from salaries in the Town Manager budget.

*Note: Motions are the formal & final proposal of Council,
proposed motions are offered by Staff for guidance

*To be clear and concise, motions should be made in the positive

Approved By: SB

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**Town of Front Royal, Virginia
Council Agenda Statement**

Page 1
Item No. 8

Meeting Date: November 23, 2015

Agenda Item: **PUBLIC HEARING TO RECEIVE PUBLIC COMMENT** – Reduction of Lodging Tax

Summary: At the September 21, 2015 Work Session Councilman Hrbek asked for an item to be placed on the September 28, 2015 Regular Agenda pertaining to reducing the Lodging Tax from 6% to 2%. On September 28, 2015 Council Authorized to Advertise for a Public Hearing to Reduce the Lodging Tax; however, the motion was amended to direct Town Staff to advertise for the Public Hearing at the 2nd Meeting in November for discussion purposes only. At tonight's meeting Council is requested to receive comments and concerns from the public pertaining to the reduction of the Town of Front Royal's Mote Excise Tax from six percent (\$0.06) to two percent (\$0.02) of the total amount paid for motel room rental upon any transient in the Town of Front Royal. (*Town Code 75-34*)

Budget/Funding: None

Attachments: None

Meetings: September 21, 2015 Work Session and September 28, 2015 Regular Meeting

Staff Recommendation: Approval X Denial

Proposed Motion: Public Hearing was for Discussion Only

*Note: Motions are the formal & final proposal of Council,
proposed motions are offered by Staff for guidance
*To be clear and concise, motions should be made in the positive

Approved By: SB

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Town of Front Royal, Virginia
Council Agenda Statement

Page 1
Item No. 9

Meeting Date: November 23, 2015

Agenda Item: COUNCIL APPROVAL – Ordinance to Amend Town Code Chapters 175 and 66 and Enact 175-110.5 Pertaining to Urban Agriculture (*2ND Reading*)

Summary: Council is requested to adopt on its second and final reading an ordinance to amend Town Code Chapter 175-3 Zoning-Definitions; Chapter 66-12 Dogs and Other Animals-Definitions; 66-13 Dogs and Other Animals-Prohibitions; 66-14 Dogs and Other Animals-Exemptions pertaining to Urban Agriculture; and, to enact 175-110.5 Zoning-Performance Standards for Urban Agriculture. The draft amendments require a zoning permit for the keeping of livestock and management plan that must be endorsed by the Virginia Cooperative Extension Office or other qualified expert, nonprofit organization or government entity. Residents of single-family, duplex and two-family homes could obtain a permit to keep up to six (6) hens, honeybee hives and rabbits. Other residential uses, such as townhouses and apartments would not be allowed to keep animals except if approved by Town Council with a Special Use Permit or proffer. Town Council amended the proposed ordinance amendment on November 9, 2015 by the following motion: *Councilman Funk moved, seconded by Councilman Hrbek, that Council strike Section 175-110.5(F) and re-insert Section 66-14(B) “This Article shall not apply to livestock or fowl on any operation farm of one (1) acre in size or more located within the town limits; AND make the **highlighted** section shown on the ordinance it’s “own” section: “C” Animals authorized as Urban Agriculture under Chapter 175 shall be exempt of the restrictions of this Article. NOTE: The Planning and Zoning Director has added additional language noted in “green”.*

Budget/Funding: None
Attachments: Proposed Ordinance Amendment with highlighted amendments.
Meetings: Work Sessions held September 8 and September 21, 2015. Public Hearing held November 9, 2015.

Staff Recommendation: Approval X Denial

Proposed Motion: I move that Council adopt on its second and final reading an ordinance to amend Town Code Chapter 175-3 Zoning-Definitions; Chapter 66-12 Dogs and Other Animals-Definitions; 66-13 Dogs and Other Animals-Prohibitions; 66-14 Dogs and Other Animals-Exemptions pertaining to Urban Agriculture; and, to enact 175-110.5 Zoning-Performance Standards for Urban Agriculture, with the amendments approved by Town Council on November 9, 2015 and the additional language added by the Director of Planning/Zoning, as presented.

ROLL CALL VOTE REQUIRED

*Note: Motions are the formal & final proposal of Council, proposed motions are offered by Staff for guidance
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Approved By: SB

**AN ORDINANCE TO AMEND FRONT ROYAL TOWN CODE CHAPTER §175-3,
CHAPTER §66-12, §66-13, §66-14 AND ENACT CHAPTER §175-110.5 PERTAINING
TO URBAN AGRICULTURE**

WHEREAS, the purpose of this ordinance is to enhance the general welfare and health of the public by allowing limited agricultural practices in the Town when conducted as an accessory use, as well as proposing performance standards and permitting requirements; and,

NOW THEREFORE, BE IT ENACTED, by the Town Council of the Town of Front Royal, Virginia, that Chapter §175-3, §175-110.5, Chapter §66-12, §66-13, §66-14 of the Front Royal Town Code is hereby amended and enacted as follows:

175-3 DEFINITIONS

ACCESSORY USE - A use of a building, lot or portion thereof which is customarily incidental and subordinate to the principal permitted use of the main building or lot. Accessory uses shall include the use of accessory buildings as a separate accessory dwelling unit, provided that the lot is at least 12,000 square feet in size, the accessory building complies with the minimum setback and yard area requirements that are required for main buildings within the applicable zoning district, no more than one accessory dwelling is located on the property, and the accessory dwelling unit does not utilize more than 500 square feet. *Urban agriculture is considered an accessory use when the requirements of Section 175-110.5 are complied with.*

AGRICULTURE/AGRICULTURAL PURSUITS – The tilling of soil, the raising of crops, horticulture, aquaculture, hydroponics, forestry, gardening, apiculture, livestock and fowl keeping and breeding, farm wineries, roadside stands, tenant houses necessary for the operation of a farm, and the production of natural products with resources primarily derived from the land upon which it is produced. Yard maintenance, landscaping, noncommercial gardening and other customary incidental accessory uses shall not be deemed as "agriculture." Where agricultural uses are permitted under Chapter 175 of the Town Code, the provisions of Section 66-5 pertaining to slaughtering of stock shall not apply, provided that this exemption only applies to small scale slaughtering activities on a farm, and does not apply to slaughterhouses.

AGRICULTURE, URBAN (Urban Agriculture) – An umbrella term that describes a range of food growing practices conducted as an accessory use that may include the raising of crops, horticulture, aquaculture, hydroponics, forestry, gardening, apiculture, and both livestock and fowl keeping, subject to compliance with the regulations of Section 175-110.5.

175-110.5 PERFORMANCE STANDARDS FOR URBAN AGRICULTURE

Urban Agriculture, as defined under Section 175-3 of this Chapter, shall comply with the following performance standards.

- A. *A zoning permit shall be required for the keeping of animals kept in association with urban agriculture when located on a lot less than 1 acre. Such a zoning permit application shall include a management plan that adequately addresses waste disposal, site suitability, setbacks, animal density, biosecurity and health measures, odor control, noise control, appearance, and maintenance. The*

management plan shall be reviewed by the Virginia Cooperative Extension Office, or other qualified expert, nonprofit organization or government entity. Conditions of approval or recommendations may be required as part of the zoning permit based on the management plan or other recommendations of the Virginia Cooperative Extension Office, or other qualified expert, nonprofit organization or government entity. The zoning permit shall only be valid for one (1) year; except that, the Zoning Administrator may successively renew the permit in additional one (1) year increments upon expiration; provide that, the use remains in compliance with the management plan and otherwise remains lawful.

- B.** Single family, duplex or two-family dwellings shall be permitted to keep up to six (6) female chickens (non-crowing hens only), six (6) bee hives, and/or six (6) rabbits.
- C.** Other types of residential uses, such as townhouses, condominiums, multi-family (apartments), are prohibited from keeping livestock, fowl or bees, except when authorized with a Special Use Permit or Proffer.
- D.** Commercial and industrial uses, excluding schools, are prohibited from keeping livestock, fowl or bees, except when authorized with a Special Use Permit or Proffer.
- E.** Roosters, livestock (excluding rabbits), and fowl (excluding hens) are prohibited on lots less than one (1) acre in land area.
- ~~**F.** On lots consisting of at least one (1) acre, such animals listed under subsection E shall be permitted by a Special Use Permit. The quantity of animals shall be determined based on the management plan required under subsection A.~~
- GF.** Pigs are restricted, regardless of lot size, unless a Special Use Permit or Proffer is submitted and approved.
- HG.** Chickens, bees, and rabbits are restricted from the front yard and corner side yard on corner lots.
- HH.** Chickens and rabbits shall be kept within an enclosed area that includes a chicken coop or rabbit hutch. Such facilities shall be kept clean and maintained in good condition.
- HI.** Chickens coops shall be setback at least ten (10) feet from side and rear property lines. Additional setbacks may be required by the Zoning Administrator if recommended as part of the submitted management plan or review agency recommendation.
- KJ.** Any permit issued for Urban Agriculture may be revoked by the Zoning Administrator if such use significantly deviates from the approved zoning permit and/or management plan; or if such use creates a violation of the Town Code, including, but not limited to, an unpermitted expansion, noise violation, unpermitted development activity, or nuisance.
- LK.** The sale of goods or services related to Urban Agriculture is not authorized, except where such sale or services is allowed as a principal use of the property. This restriction shall not include the incidental selling or trading with neighbors, family or friends; nor shall it exclude selling produce off-site at farm markets or other venues.
- ML.** The above requirements are considered in addition to all other requirements of the Town Code that may apply.

UM. *Urban agriculture is not permitted as a principal use of a property; except that, this restriction shall not apply to outdoor gardens.*

UN. *Bee hives must be setback at least ten (10) feet from side and rear property lines, and shall be enclosed on all sides by a fence at least 4 feet in height. A sign between two (2) and four (4) square feet shall be clearly located on the fence to communicate that bees are being kept within the enclosure.*

PO. *Harvesting of honey shall take place within an enclosed building.*

KEEPING CERTAIN ANIMALS PROHIBITED WITHIN TOWN LIMITS

66-12 DEFINITIONS

As used in this Article, the following terms shall have the meaning indicated:

DOMESTICATED HOUSEHOLD PETS - Animals kept for companionship, rather than as consumable commodity or producer thereof, which are tame, non-venomous or non-predatory, and shall include but, not be limited to dogs, house cats, caged birds, rabbits, hamsters and gerbils.

EXOTIC ANIMALS - Those animals, other than dogs, house cats, caged birds and other domesticated household pets, which because of a predatory nature, venomous bite or sting, size or disposition present a potential danger to town residents, including but not limited to lions and tigers, mountain lions and other large cats, bears, poisonous snakes and lizards, elephants, monkeys and apes, foxes, wolves, coyotes, alligators and crocodiles.

FOWL - Those birds raised for the purpose of meat, egg or feather production, and shall include but not be limited to, chickens, ducks, geese, turkeys, peacocks, guinea hens and pigeons, including homing pigeons.

LIVESTOCK - Those animals raised for the purpose of meat and dairy production, hide or fur production or as draft animals, and shall include but not be limited to cows, horses, donkeys, mules, pigs, sheep,

66-13 PROHIBITION

Except for duly authorized parades, processions, zoos, circuses, rides, fairs and exhibitions, licensed pet shops, animal shelters and veterinary offices and hospitals, it shall be unlawful to raise, house, or otherwise keep ~~livestock, fowl or~~ exotic animals within the limits of the Town of Front Royal.

66-14 EXEMPTIONS

A. This Article shall not apply to domesticated household pets, as defined herein, nor to livestock, fowl and exotic animals in transit through the Town of Front Royal by a carrier.

B. This Article shall not apply to livestock or fowl on any operating farm of one (1) acre in size or more located within the town limits.

C. *Animals authorized as Urban Agriculture under Chapter 175 shall be exempt of the restrictions of this Article.*

This ordinance shall become effective upon passage.

APPROVED:

Timothy W. Darr, Mayor

ATTEST:

Jennifer E. Berry, Clerk of Council

THIS ORDINANCE was approved at the Regular Meeting of the Town of Front Royal, Virginia on its second reading, conducted _____, 2015, upon the following recorded vote:

John P. Connolly	Yes/No	Bret W. Hrbek	Yes/No
Hollis L. Tharpe	Yes/No	Eugene R. Tewalt	Yes/No
Bébhinn C. Egger	Yes/No	Daryl L. Funk	Yes/No

A public hearing on the above was held on _____, 2015 having been advertised in the Northern Virginia Daily on _____, 2015 and _____, 2015.

Approved as to form and legality:

Douglas W. Napier, Town Attorney

Date: ____/____/____

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**Town of Front Royal, Virginia
Council Agenda Statement**

Page 1
Item No. 10

Meeting Date: November 23, 2015

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- Agenda Item:** COUNCIL APPROVAL – Award of Contract for Cost of Service Rate Study
- Summary:** Council is requested to consider approval of an award in the amount of \$55,850.00 to Burton & Associates for a Cost of Service Analysis Rate Study and Five-year Cash Requirements Projection.
- Budget/Funding:** Department of Energy Services FY16 budget line item 9401-R43002 “Professional Services”. This is funding carried forward from FY15.
- Attachments:** Memorandums from Purchasing Agent and Director of Energy Services; Letter from Burton & Associates and Project Work Plan & Cost Estimate Schedule
- Meetings:** Work Session held November 16, 2015
- Staff Recommendation:** Approval X Denial
- Proposed Motion:** I move that Council approve an award in the amount of \$55,850.00 to Burton and Associates for a Cost of Service Analysis Rate Study and Five-year Cash Requirements Projection.

ROLL CALL VOTE REQUIRED

*Note: Motions are the formal & final proposal of Council,
proposed motions are offered by Staff for guidance
*To be clear and concise, motions should be made in the positive

Approved By: SB



MEMORANDUM

Date: November 17, 2015
To: Tina Presley, Senior Administrative Assistant
Jennifer Berry, Clerk of Council
From: Cindy Hartman, Purchasing Agent *Cindy*
RE: Agenda Item

On Thursday, June 25, 2015, I received proposals for the Department of Energy Services to contract with a firm to perform a Cost of Service Analysis, Rate Study, and Five-year Cash Requirements Projection. The Department reviewed and short listed the proposals. Burton and Associates was selected as the number one firm to negotiate with for the cost of the study. During the November 16, 2015 work session, Burton and Associates spoke to the Town Council to discuss the process for performing the study. At that time, Council directed staff to move forward with the study. Due to the dollar amount, I will need Council approval to make the award. Please add this to the November 23 Town Council agenda for their action.

Staff recommends an award be made to Burton and Associates in an amount not to exceed \$55,850.00 for a Cost of Service Analysis, Rate Study, and Five-year Cash Requirements Projection.

Funding for this study is available in the Department of Energy Services FY16 budget line item 9401-R43002 "Professional Services". This is funding that was carried forward from the FY15.



TOWN OF FRONT ROYAL
DEPARTMENT OF ENERGY SERVICES
P.O. BOX 1560
FRONT ROYAL, VIRGINIA 22630-1560

JOSEPH E. WALTZ
Director
(540) 635-3027
jwaltz@frontroyalva.com

To: Cindy Hartman, Purchasing Manager

From: Joseph Waltz, Director of Energy Services

Date: November 17, 2015

Re: Approval of contract with Burton & Associates – Cost of Service Study

At the November 16 work session, Burton & Associates discussed the process and the proposal for performing an Electric Cost of Service & Rate Study for the Town of Front Royal. After discussion, Council directed staff to forward to the next Council meeting for approval. Please place this item on the November 23, 2015 agenda for approval. I have also attached the proposal from Burton & Associates to be included in the agenda item.

If you need additional information or have any questions please let me know.

BURTON & ASSOCIATES

October 6, 2015

Mr. Joe Waltz
Director of Energy Services
Town of Front Royal
520A E. 6th Street, P.O. Box 1560
Front Royal, VA 22630

Re: Electric Cost of Service & Rate Study Fee Proposal

Dear Joe:

Burton & Associates is delighted to have been selected to prepare an Electric Cost of Service and Rate Study (Study) in accordance with the terms of the Town of Front Royal's (Town) Request For Proposal (RFP) #12. We are also pleased to present you, on behalf of the Town, with this requested fee proposal to prepare the Study in accordance with the scope as outlined in the Town's RFP #12 and the approach outlined in our response to the RFP.

In summary, the Study will include the following principal tasks:

1. Project Initiation to establish timelines, key issues, and data requirements.
2. Financial & Annual Review to include a ten-year revenue sufficiency analysis and identification of the annual revenue requirements of the system, including the development of future rate adjustments to ensure financial sustainability.
3. Allocated Cost of Service Analysis to fairly and equitably distribute the annual costs of service to each of the Town's respective customer classes.
4. Retail Rate Study to develop appropriate rate structures for each class of customers that will recover the overall system revenue requirements consistent with the results of the cost of service allocation and the Town's objectives.
5. Connection & Other Miscellaneous Fee updates to reflect current costs and accepted industry practices, while adhering to the Town's relevant objectives.
6. Reports & Presentations identifying the results and recommendations of the Study intended to educate stakeholders about the need of any potential rate adjustments.

In all aspects of the Study, our models will allow the testing of "what if" scenarios relative to all variables in the Study and will provide feedback as to the consequences of changes in any such variables. This process has been very helpful during previous rate studies we prepared for the Town's water and sewer systems, in that it allowed staff and elected officials to be able to quickly evaluate alternative scenarios and see the results instantaneously. As with the water and sewer rate studies, this will be a totally open process and it will help facilitate consensus as to possible decision alternatives and the consequences of each alternative.

Burton & Associates

1000 N. Ashley Drive, Suite 513 • Tampa, Florida 33602 • Phone (813) 443-5138 • Fax (813) 443-8189

E-mail: aburnham@burtonandassociates.com

Page 1

I have enclosed a Project Work Plan and Cost Estimate Schedule (Schedule) which presents our proposed work plan to conduct the Study as described herein, and an estimate of the cost of the entire Study. Specifically, this Schedule shows the tasks and sub-tasks that will be completed, including the estimated man-hours by consultant for each sub-task. I have also developed a Fee Proposal Summary (presented in the table below) that is derived from the referenced Schedule. In summary, the Study will require approximately 310 man-hours for an estimated fee of \$49,900, plus estimated out-of-pocket expenses of \$5,950 for a total estimated project cost of \$55,850.

FEE PROPOSAL SUMMARY		Hours	Cost
Task 1 Project Initiation, Data Collection & Data Review		19	\$ 3,170
Task 2 Revenue Sufficiency Analysis - Develop a Multi-Year Forecast of Revenue Requirements		80	\$ 12,880
Task 3 Cost Allocation - Perform a Detailed Cost-of-Service Analysis		69	\$ 11,250
Task 4 Rate Design - Develop Electric Rates, Fees and Charges		45	\$ 7,130
Task 5 Update Electrical Connection Charges and Other Miscellaneous Fees		46	\$ 7,000
Task 6 Preparation of Reports and Presentations of the Results of the Study		51	\$ 8,470
Total Estimated Project Cost		310	\$ 49,900
Total Estimated Expenses			\$ 5,950
Total Not-To-Exceed Fixed Fee			\$ 55,850

Based upon this cost estimate, we propose to complete the Study for a lump sum cost of \$55,850 that would be invoiced monthly based upon the percentage of each task completed. To the extent that any additional presentations, meetings, analysis, or any other services are requested beyond the scope identified in the Schedule, they would be completed based upon the necessary time and the hourly rates identified on the Schedule.

Consistent with our proposal in response to the RFP for the Study, we can begin work on this assignment immediately upon receipt of a notice to proceed and estimate that it can be completed within approximately 120 days from receipt of all required data.

We appreciate the opportunity to present you with this price proposal and look forward to working with you on the Study. If you have any questions, please call me at (813) 443-5138. Absent any requested adjustments to the tasks, level of effort, and scope reflected in this price proposal for this Study, we envision that this proposal will become part of the contract that would ultimately be presented to Council for approval.

Very truly yours,



Andrew J. Burnham
Senior Vice President

Burton & Associates

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Town of Front Royal, Virginia

Electric Cost of Service Analysis Rate Study
Project Work Plan & Cost Estimate Schedule

Project Tasks	Estimated Man-Hours					Total Project
	Burton & Associates			Utility Financial Solutions		
	Project Principal	Project Manager	Project Consultants	Project Manager	Project Consultants	
Rates →	\$210	\$190	\$130	\$190	\$130	
Task 1 <u>Project Initiation, Data Collection & Data Review</u>						
1.1 Prepare preliminary work plan, timeline for tasks, and initial data request list prior to kick-off meeting.	0	2	1	1	1	5
1.2 Conduct kick-off conference call to review project objectives, schedule, key issues, approach, available data, and key assumptions.	2	2	0	2	0	6
1.3 Review initial data/documentation provided by staff and submit supplemental requests and/or clarifications.	0	1	3	1	3	8
Task 2 <u>Revenue Sufficiency Analysis - Develop a Multi-Year Financial Forecast of System Revenue Requirements</u>						
2.1 Prepare and integrate electric customer and demand analysis to project growth by customer class, trends in usage patterns and total projected electric system customers and usage over ten-year projection period.	1	2	6	1	3	13
2.2 Prepare and integrate power supply cost forecast and recovery analysis based upon customer/demand forecast, current cost of power supply, and recovery mechanisms/distribution.	1	2	3	1	3	10
2.3 Input financial and billing data into our FAMS-XL© financial planning module, run the module, and produce preliminary output, including a ten-year financial management program that will include the following:	1	3	8	0	0	12
o Capital Improvements Program and Capital Financing Plan						
- Project listing by year, including integration of specific scenarios as required						
- Alternative funding sources for capital projects						
- Development of a capital financing plan, including identification of timing and amount of borrowing requirements						
o Borrowing Program						
- Borrowing required (by source) to fund CIP projects not funded by other sources to include but not necessarily be limited to revenue bonds, State or other programs or bank loans						
- Timing of bond issue(s)/loan(s) to provide required borrowed funds						
- Annual debt service of bond issue(s)/loan(s)						
o Revenue Sufficiency Analysis						
- Annual revenue projections, include a breakdown of revenues from sale of services, connection fees, and other revenues						
- Annual operations and maintenance expense projections						
- All other annual revenue requirements such as R&R, minor capital, PILOT/GF Transfers, current debt service/loan payments, replenishment of reserves, etc.						
o Sources and Uses of Funds Analysis						
o Financial Policy Review						
- Reserve Levels (Minimum Fund Balance Policies) for operating, working capital, and capital purposes.						
- Beginning and ending funds balances by fund by year						
2.4 Make adjustments to the model as required in order to calculate utility basis of ratemaking annual cost of service and revenue requirements for rate of return and plant investment purposes, and for possible use in cost of service allocation analysis.	2	3	4	1	2	12
2.5 Review results with consulting team, make required adjustments, and prepare alternative scenarios.	1	2	3	1	1	8
2.6 Meet with Town staff in an interactive work session to review preliminary results.	4	4	4	4	0	16
2.7 Make adjustments per input from Town staff in the prior sub-task and distribute workbook of assumptions, inputs, and preliminary results for staff review.	0	1	3	1	0	5
2.8 Meet with Town staff in second interactive work session to review adjusted results.						
2.9 Perform adjustments per input from Town staff and determine plan of rate annual revenue adjustments and revenue requirements for the test year for rate making.	0	1	2	1	0	4

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Town of Front Royal, Virginia

Electric Cost of Service Analysis Rate Study

Project Work Plan & Cost Estimate Schedule

Project Tasks	Estimated Man-Hours					Total Project
	Burton & Associates			Utility Financial Solutions		
	Project Principal	Project Manager	Project Consultants	Project Manager	Project Consultants	
Rates →	\$210	\$190	\$130	\$190	\$130	
Task 3	Cost Allocation - Perform a Detailed Cost-of-Service Analysis					
3.1	Identify and input all test year costs/revenue requirements associated with the provision of electric service from the preferred financial forecast alternative identified in Task 2 into the cost allocation model.					
	0	1	1	1	3	6
3.2	Analyze the Town's billing consumption records, service area, existing agreements, and existing customer classes to determine recommended customer classes for cost allocation and rate design.					
	0	1	0	2	6	9
3.3	Conference call with Town staff to discuss customer classes, agreements, and other considerations to determine appropriate customer classes, system functional components, and appropriate cost of service allocation methodology.					
	1	1	0	1	1	4
3.4	Allocate costs/revenue requirements to identified functional cost components for the utility system and determine unit cost of each function, such as power supply, transmission, distribution, customer, and direct-assignment.					
	0	1	0	3	6	10
3.5	Allocate costs of each functional component to identified customer classes based upon appropriate customer class characteristics/criteria, such as residential, general non-demand, general demand, large power, street lighting, and wholesale.					
	0	1	0	2	4	7
3.6	Compare allocated costs/revenue requirements by customer class to revenue generated by existing rates.					
	0	1	0	1	2	4
3.7	Review results with consulting team, make required adjustments and identify key discussion points for review with Town staff.					
	1	1	0	2	3	7
3.8	Meet with Town staff in an interactive work session to review preliminary results.					
	4	4	4	4	0	16
3.9	Make adjustments as required based upon input from Town staff and distribute workbooks of preliminary results.					
	0	1	0	2	3	6
Task 4	Rate Design - Develop Electric Rates, Fees and Charges					
4.1	Prepare a comparative rate/fee/charge survey and conduct a diagnostic analysis of the current electric rate structures for all customer classes to identify strengths and weaknesses in terms of but not limited to the following criteria:					
	1	1	3	1	0	6
	a. Compliance with legal precedent and generally accepted industry practice (national and local).					
	b. Fair and equitable distribution of costs to customers in proportion to the benefit received and/or demand placed on the system.					
	c. Consistency with policies and management objectives regarding such things as affordability, conservation, economic development, etc.					
	d. Fiscal stability/risk of the utility.					
	e. Ease of administration and understanding to Town staff and customers.					
4.2	Develop User Fees, Including Street Lighting:					
	a. Load billing history data into our FAMS-XLQ rate model and create a bill frequency analysis.					
	1	2	6	0	0	9
	b. Conduct a revenue test to ensure accuracy of billing data.					
	0	1	1	0	0	2
	c. Set up the rate model in conformance with the rate design evaluation in Task 4.1 and the cost allocation results of Task 3.					
	0	1	3	0	0	4
	d. Run the model and prepare alternative rate structures that reflect the following considerations:					
	1	1	3	2	0	7
	- Recovery of appropriate amount and types of costs in fixed monthly charges and variable rates by class of customer					
	- Appropriate rate structures for each respective class of customer per accepted national and local industry practices					
	e. Prepare a customer impact analysis to compare alternative rates for each customer class to existing rates.					
	0	1	2	1	0	4
	f. Review results with consulting team and adjust as required.					
	1	2	3	1	1	8
	g. Meet with Town staff in an interactive work session to review preliminary results.					
	-- Included in Task 3.8 --					
	0	1	3	1	0	5

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Town of Front Royal, Virginia

Electric Cost of Service Analysis Rate Study
Project Work Plan & Cost Estimate Schedule

Project Tasks	Estimated Man-Hours					Total Project
	Burton & Associates			Utility Financial Solutions		
	Project Principal	Project Manager	Project Consultants	Project Manager	Project Consultants	
Rates →	\$210	\$190	\$130	\$190	\$130	
Task 5 Update Electrical Connection Charges and Other Miscellaneous Fees						
5.1 Obtain and review all ordinances, master plan, capital improvement/fixe asset information, capacity reports, and system GIS data.	0	1	1	2	3	7
5.3 Prepare reproduction cost schedule of fixed assets by major system component.	0	0	0	1	2	3
5.4 Review CIP with Town staff to determine portion of projects for expanded capacity vs. renewal and rehabilitation.	0	1	0	1	1	3
5.5 Allocate fixed assets and CIP between major facility components of such as transmission, distribution, direct-assignment, etc.	0	1	0	1	4	6
5.6 Load appropriate data into capital cost recovery module, adjust and calibrate, and produce initial updated fees.	0	1	0	1	6	8
5.7 Link capital module with the financial forecast module of Task 2 to evaluate the effects of changes in connection/capital fees upon user fee rate revenue requirements and the overall financial plan.	0	0	1	0	1	2
5.8 Prepare a survey of connection & miscellaneous fees to those charged by other localities in the region and standard industry practice.	0	1	0	0	3	4
5.9 Assist in updates to various miscellaneous fees.						
a. Populate Initial cost computation templates based upon fee schedules of the Town.	0	1	1	0	0	2
b. Instruct staff in the preparation/finalization of cost templates for each specific fee to be evaluated via GoToMeeting.	0	0	1	0	0	1
c. Review completed cost computation templates with staff and provide guidance for adjustments as required.	0	1	1	0	0	2
d. Provide recommendations for any additional fees that the Town may wish to consider based upon industry practices.	0	1	1	1	0	3
e. Assist in preparation of schedule of current and proposed fees.	0	1	1	0	0	2
5.10 Meet with Town staff in a third interactive work session to review results of connection fees and miscellaneous fees.						
5.11 Perform adjustments based upon input from Town staff to finalize fee analysis.	0	0	1	1	1	3
				-- Included in Task 2.6 --		
Task 6 Preparation of Reports and Presentations of the Results of the Study						
6.1 Prepare a Draft Report of the initial results and recommendations of the Study for staff review/comment.	2	3	8	2	3	18
6.2 Prepare a Draft Presentation of the initial results of the Study. Review with staff and make adjustments, as needed.	1	2	3	1	1	8
6.3 Present the initial results of the study in a Public Workshop with the Town Council.	2	2	0	2	0	6
6.4 Make adjustments to the analysis, as needed, based on results of public workshop with Town Council.	0	1	2	1	2	6
6.5 Prepare Final Report and presentation of the results of the study.	1	1	3	1	1	7
6.7 Present the final results of the study in a Public Hearing with the Town Council.	2	2	0	2	0	6
TOTAL ESTIMATED LABOR-HOURS - TOTAL PROJECT	30	65	90	55	70	310
TOTAL ESTIMATED FEE - TOTAL PROJECT	\$6,300	\$12,350	\$11,700	\$10,450	\$9,100	\$49,900
TOTAL ESTIMATED EXPENSES - TOTAL PROJECT						\$5,950
TOTAL ESTIMATED PROJECT COST - TOTAL PROJECT						\$55,850

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**Town of Front Royal, Virginia
Council Agenda Statement**

Page 1
Item No. 11

Meeting Date: November 23, 2015

Agenda Item: COUNCIL APPROVAL – Deed of Easement for Aldi, Inc.

Summary: Council is requested to approve a Deed of Easement from Aldi, Inc. to the Town for a water and sewer easement and right-of-way acquisition for facilities serving Land Unit 2 in Riverton Commons as presented.

Budget/Funding: None

Attachments: Deed of Easement

Meetings: Work Session held November 16, 2015

Staff Recommendation: Approval X Denial

Proposed Motion: I move that Council approve a Deed of Easement from Aldi, Inc. to the Town for A water and sewer easement and right-of-way acquisition for facilities serving Land Unit 2 in Riverton Commons as presented.

*Note: Motions are the formal & final proposal of Council,
proposed motions are offered by Staff for guidance
*To be clear and concise, motions should be made in the positive

Approved By: SB

**This instrument was prepared by J. Daniel Pond II, Esquire, VSB #13624
35 N. Royal Avenue
Front Royal, VA 22630**

THIS DEED OF EASEMENT made and entered into this ____ day of November, 2015, by and between **Aldi, Inc. (Maryland)**, a Maryland corporation, GRANTOR, and **Town of Front Royal, Virginia, a Municipal Corporation**, GRANTEE.

WITNESSETH:

Aldi, Inc. (Maryland) is the owner of Land Unit 2 as shown on that certain plat of survey dated March 19, 2007 and revised May 18, 2007, prepared by Control Point Associates, Inc. and recorded in the Clerk's Office of the Circuit Court of Warren County, Virginia in Slide 233-T, having acquired the same by deed recorded in the aforesaid Clerk's Office in Instrument #150003933; and

Whereas, the Grantor wishes to grant unto the Town of Front Royal, Virginia easements and rights-of-way for the installation and maintenance of sanitary sewer lines and water lines onto, over and through the aforesaid unit, and to that end have caused to be prepared this instrument.

WITNESSETH:

That for and in consideration of the sum of ONE DOLLAR (\$1.00) cash in hand paid by the Grantee to the Grantor, receipt of which is hereby acknowledged, the Grantor grants and conveys unto the Grantee, its successors and assigns, the following rights in real property situated in the North River Magisterial District, Warren County, Virginia, to-wit:

The privileges, easements, and rights-of-way in perpetuity to construct, lay, maintain, repair, inspect, improve and operate within the easements and rights-of-way of varying widths herein described and referred to, mains, works and systems for the operation of utilities over, upon, across and under the property of the Grantor as shown on Sheet 1 and Sheet 3 of a plat of survey dated October 24, 2007 and revised on July 27, 2015 and on September 8, 2015, prepared by Bohler Engineering and attached hereto and made a part of this instrument as Exhibit A.

These easements and rights-of-way shall be for the construction, installation, inspection, repair and maintenance of mains, works, and systems for the transmission of water and the collection and transmission of sewage, and waste water, including, but not limited to, water meters and water meter vaults, (herein "facilities") over, across and under the properties of the Grantors, with the location and width of said easements and rights-of-way as shown on the aforesaid attached plat. The real parcel encumbered by this instrument is known and designated as Land Unit 2 on the aforesaid plat recorded in the aforesaid Clerk's Office in Slide 233-T.

There is also hereby conveyed rights-of-way of ingress, egress, and access over, upon, and across the property of the Grantor to the above-described easements for the purpose of allowing access to facilities located thereon by the employees, agents, and contractors of the Grantee.

The further terms and conditions of this grant are as follows:

(a) That the Grantee may (but is not required to) trim, cut, remove, and keep clear all trees, limbs, undergrowth, and any and all other obstructions, within the said easements and rights-of way, that may in any manner, in Grantee's sole judgment, endanger or interfere with

the proper and efficient operation of the facilities, and the Grantee shall have all such other rights and privileges as are reasonably necessary or convenient for the full enjoyment and use of the easements and rights-of-way herein granted for the aforesaid purpose. Nothing contained herein shall be construed to require Grantee to install, repair or maintain any portion of any water and sewer service laterals providing utilities to any improvements located on the aforesaid Land

Unit 2.

(b) The granting of the easements and rights-of-way hereinafter described neither expressly nor impliedly constitutes any payment, nor the waiver of any obligation for the payment, by the Grantor or its successors or assigns, or any cut-in fee or charge, tax, assessment or other charge or obligation whatsoever now due or heretofore due or hereafter to become due and payable to the Grantee or to any person, firm or other corporation whatsoever.

(c) That Grantee will exercise reasonable care to protect the property of the Grantor from damage or injury occasioned in the enjoyment of the easements and rights-of-way herein granted, and to promptly repair the said property or reimburse the Grantor for any property damaged beyond repair.

(d) That, if Grantee does cut or fell any brush, undergrowth or trees, or should excavations be carried on pursuant to these easements and any large-sized rocks or boulders are unearthed and are not buried in said excavation, such brush, undergrowth, trees, large-sized rocks and boulders shall, at the expense of Grantee be removed from the property of the Grantor.

(e) Once constructed and installed, the facilities shall become the property of the Grantee and Grantor shall have no right, title, interest, estate or claim whatsoever in facilities by virtue of the rights conveyed herein.

(f) The easements are non-exclusive.

(g) Facilities installed pursuant to the easement shall be underground, except for manhole and vault covers which shall be flush with adjacent grade, except as is otherwise consistent with best practices or as shown on plans approved by Grantor.

(h) Grantor retains the right to use the surface areas of such encumbered parcel for any use not inconsistent with the rights granted the Grantee, including use of the easements areas for pavement, drives, curbing, sidewalks and landscaping.

(i) Grantor reserve the right to require the Grantee to relocate its facilities to another location on the affected parcel, subject to the conveyance of a similar easements and rights-of-way, all at the cost and expense of the Grantor.

WITNESS the following signature and seal.

Aldi, Inc. (Maryland)
A Maryland Corporation.

By: 

Jeffrey Baehr
Vice President

THIS SPACE INTENTIONALLY LEFT BLANK

STATE OF MARYLAND

CITY/COUNTY OF Frederick, TO-WIT:

I, Shannon Minor, A Notary Public in and for the State and City/County aforesaid, do hereby certify that Jeffrey Baehr, whose name is signed as Vice President on behalf of Aldi, Inc. (Maryland) to the foregoing Deed of Easement bearing the date of November 9th, 2015, has this day personally appeared and acknowledged the same before me in my State and County aforesaid.,

My commission expires: August 14, 2019.

Registration No.: 29624

Given under my hand this 9th day of November, 2015.

Shannon Minor
Notary Public



The foregoing conveyance is hereby accepted by the Town of Front Royal, Virginia, as evidenced by the signature of the undersigned, who is authorized to accept this conveyance on behalf of the Town, as evidenced by a Resolution adopted by the Town Council.

WITNESS the following signature:

TOWN OF FRONT ROYAL, VIRGINIA

By: _____
Timothy W. Darr, Mayor

ATTEST:

Jennifer E. Berry
Clerk of Council

STATE OF VIRGINIA

COUNTY OF WARREN, TO-WIT:

I, _____, A Notary Public in and for the State and County aforesaid, do hereby certify that Timothy W. Darr, Mayor and Jennifer E. Berry, Clerk, whose names are signed on behalf of the Town of Front Royal, Virginia, to the foregoing Deed of Easement bearing the date of November _____, 2015, have each this day personally appeared and acknowledged the same before me in my State and County aforesaid.

My commission expires: _____.

Registration No.: _____

Given under my hand this _____ day of November, 2015.

Notary Public

APPROVED AS TO FORM:

Douglas W. Napier, Town Attorney

Date: _____

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**Town of Front Royal, Virginia
Council Agenda Statement**

Page 1
Item No. 12

Meeting Date: November 23, 2015

Agenda Item: COUNCIL RE-APPOINTMENT –Board of Architectural Review (BAR)

Summary: Council is requested to make a re-appointment to the Board of Architectural Review.

Budget/Funding: None

Attachments: None

Meetings: Work Session held October 19, 2015

Staff Recommendation: Approval X Denial _____

Proposed Motion: I move that Council re-appoint _____ to the Board of Architectural Review (BAR) to a four-year term ending November 13, 2019.

*Note: Motions are the formal & final proposal of Council,
proposed motions are offered by Staff for guidance
*To be clear and concise, motions should be made in the positive

Approved By: SB

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**Town of Front Royal, Virginia
Council Agenda Statement**

Page 1
Item No. 13

Meeting Date: November 23, 2015

Agenda Item: COUNCIL APPOINTMENT – Audit and Finance Committee

Summary: The Audit and Finance Committee is composed of the Mayor, two Councilmembers, the Finance Director, the Town Manager and the Town's Auditor. Council is requested to re-appoint two Councilmembers to the Audit and Finance Committee, said terms ending December 31, 2016.

Budget/Funding: None

Attachments: None

Meetings: Work Session held November 16, 2015

Staff

Recommendation: Approval X Denial

Proposed Motion: I move that Council re-appoint Councilman Bret W. Hrbek and Councilman Eugene R. Tewalt to the Audit and Finance Committee along with the Mayor, Town Manager, Finance Director and the Town's Auditor, said terms to expire December 31, 2016.

*Note: Motions are the formal & final proposal of Council,
proposed motions are offered by Staff for guidance

*To be clear and concise, motions should be made in the positive

Approved By: SB

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**Town of Front Royal, Virginia
Council Agenda Statement**

Page 1
Item No. 14

Meeting Date: November 23, 2015

Agenda Item: COUNCIL ADVERTISE FOR COUNCIL VACANCY

Summary: Council is requested to advertise for applications to fill an unexpired term on Town Council due to Councilman Funk being elected as Warren County Circuit Clerk. His said term to begin January 1, 2016.

Budget/Funding: None

Attachments: None

Meetings: Work Session held November 16, 2015

Staff Recommendation: Approval X Denial

Proposed Motion: I move that Council advertise in the local newspaper(s) for applications from the citizenry for a councilmember to fill the unexpired term of Councilman Daryl Lee Funk, that would have expired December 31, 2016. I further move that the advertisement begins December 14, 2015 with a closing date of January 4, 2016 with applicants applying through the Town's Online Employment Process on the Town's Website www.frontroyalva.com.

*Note: Motions are the formal & final proposal of Council,
proposed motions are offered by Staff for guidance
*To be clear and concise, motions should be made in the positive

Approved By: SB